

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LEVI SOLITAIRE,

Petitioner,

CASE NO. C12-5083BHS

V.

UNITED STATES OF AMERICA,  
Respondent.

## ORDER DENYING MOTION TO APPOINT COUNSEL

This matter comes before the Court on Petitioner Levi Solitaire’s (“Solitaire”) motion to appoint counsel (Dkt. 5).

Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

In this case, Solitaire has failed to show exceptional circumstances exist. At this stage he can articulate his basic claims for breach of the plea agreement and ineffective assistance of counsel. *See* Dkt. 1. Therefore, it is hereby **ORDERED** that his motion to appoint counsel (Dkt. 6) is **DENIED**.

DATED this 6th day of March, 2012.

  
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**BENJAMIN H. SETTLE**  
United States District Judge

## ORDER